

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Heritage-WTI, Inc.  
(d/b/a Heritage Thermal Services)  
1250 Saint George Street  
East Liverpool, Ohio 43920-3400

**ATTENTION:**

Mr. Stewart Fletcher  
General Manager

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Heritage-WTI, Inc. (d/b/a Heritage Thermal Services) to submit certain information about its facility at 1250 Saint George Street, East Liverpool, Ohio. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within fourteen (14) calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Heritage-WTI, Inc. (HTS) owns and operates an emission source at the East Liverpool, Ohio facility. We are requesting this information to determine whether your emission source is complying with the Ohio State Implementation Plan and the National Emission Standards for Hazardous Air Pollutants.

HTS must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

HTS must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

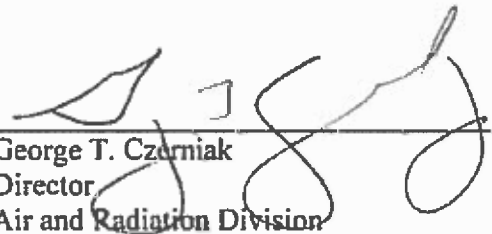
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject HTS to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Linda H. Rosen, at (312) 886-6810, or Charles Hall, at (312) 353-3443.

Date

8/2/13

  
George T. Czarniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. Part 63, Subpart EEE or the General Provisions of 40 C.F.R. Part 63.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

3. The term "hazardous waste incinerator" means a device defined as an incinerator in 40 C.F.R, Part 260.10 and that burns hazardous waste at any time. For purposes of 40 C.F.R. Part 63, Subpart EEE, the hazardous waste incinerator includes all associated firing systems and air pollution control devices, as well as the combustion chamber equipment.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

Heritage-WTI, Inc. (d/b/a Heritage Thermal Services) must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within fourteen (14) calendar days after you receive this request. The requested information relates to the incident that occurred on Saturday, July 13, 2013 at the Heritage-WTI, Inc. (HTS) hazardous waste incinerator located in East Liverpool, Ohio (Facility).

1. Describe in detail the incident that occurred at approximately 12:59 pm on July 13, 2013 (the Incident), that interrupted hazardous waste incineration operations at the Facility. Include, but do not limit your description to the following: the sequence of events leading up to, during and after the Incident; the cause(s) of the Incident; the type and extent of damage to equipment, operations and areas inside and outside the Facility; the effect on Facility operations and air emissions; and the Facility's response. Submit diagrams showing the items of equipment (including ductwork) involved and indicate the damage on the diagrams. Submit copies of any and all photographs taken of the equipment, damage and resulting emissions.
2. Specify the time on July 13, 2013 when HTS initiated shutdown of the hazardous waste incinerator at the Facility and describe in detail the shutdown procedures used at that time. In addition:
  - (a) Provide a spreadsheet showing the date, time, waste profile numbers, waste profile descriptions, and container numbers for all wastes that were being processed in the hazardous waste incinerator combustion chambers within an hour before and up to the time of the Incident. Also provide a spreadsheet showing the date, time, waste profile numbers, waste profile descriptions, and container numbers for waste containers that had previously been processed in the combustion chambers (for at least 2 weeks prior to the Incident) but might still be in the system (e.g., as slag or ash).
  - (b) Specify the time that the hazardous waste feed was cut off to the hazardous waste incinerator following the Incident;
  - (c) Specify what auxiliary fuels were being fired into the hazardous waste incinerator at the time of the Incident;
  - (d) Specify the time when the auxiliary fuel feed(s) were cut off to the hazardous waste incinerator following the Incident;
  - (e) Specify the day and time when there was no longer any hazardous waste present in the combustion chamber following the Incident; and
  - (f) Submit 1-minute total and pumpable hazardous waste feedrate data and 1-minute auxiliary fuel feedrate data starting on July 13, 2013 at 6:00 a.m. until the date of this information request.

HTS may submit the monitoring data on a compact disk or thumb drive in comma separated value (CSV) or Plain Text format.

3. List all the dates that HTS exceeded Operating Parameter Limits (OPL) and/or emission limits for the Facility on July 13 and afterwards until the hazardous waste residence time had transpired. For each day of exceedance, specify: the OPL and emission limit exceeded, the time period of exceedance, and the highest values of the exceeded OPLs and emission limits. Submit copies of HTS's operating parameter and emission monitoring data from July 6, 2013, to the present. The monitoring data should include:
  - (a) all 1-hour and 12-hour rolling average data, as applicable to the particular OPL or emission limit being measured; and
  - (b) all instantaneous readings of secondary combustion chamber (SCC) pressure, ambient pressure, pressure in the inlet and outlet shrouds, and feed lance atomization pressure.

HTS may submit the monitoring data on a compact disk or thumb drive in comma separated value (CSV) or Plain Text format.

4. In accordance with 40 C.F.R. § 63.1206(c)(3)(ii), state and explain whether all combustion gases during and after the Incident were ducted to the air pollution control system at the Facility while hazardous waste remained in the combustion chambers (i.e., the hazardous waste residence time had not transpired since the hazardous waste feed cutoff system was activated). Provide copies of the 1-minute flue gas flow rate data for the period beginning July 12, 2013 to the date of this information request. Describe and also indicate on the diagram submitted in response to item 1 above, the location of the flue gas flow rate measurement device for the air pollution control system at the Facility .
5. Submit copies of any and all analyses related to the amount of combustion gases, ash, and any other pollutants released from any breach(es) that occurred in the hazardous waste incineration system at the Facility on July 13, 2013. Explain all calculations and assumptions related to each analysis.
6. Provide the results of all investigations into the cause of the Incident, the appropriate measures that could have been taken to prevent the Incident from occurring, and the steps HTS has taken and/or will take to prevent future occurrences. Provide copies of all your findings, conclusions and corrective measures taken or planned for the Facility by HTS, its agents, contractors, or others.
7. Provide copies of all reports, documents, and electronic mail messages HTS sent to the Ohio EPA and/or the National Response Center regarding the Incident.



8. As defined in 40 C.F.R. § 63.2, "malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions. For each exceedance identified in response to item 3, above:
- (a) Identify whether HTS claims that the exceedance was caused by a malfunction, as that term is defined by 40 C.F.R. § 63.2;
  - (b) Explain how the claimed malfunction fits the definition of malfunction at 40 C.F.R. § 63.2;
  - (c) Identify the malfunction that HTS claims caused the exceedance;
  - (d) Identify whether, and if so where, the claimed malfunction is addressed in the applicable Startup, Shutdown and Malfunction Plan (SSMP) for the Facility; and
  - (e) To the extent not provided in response to question No. 6, above, provide copies of all documents referencing the investigation of the cause of the exceedance; the corrective actions taken to correct the exceedance; and any evaluations of approaches to minimize the frequency, duration, and severity of the exceedance.
9. On June 12, 2009, December 9, 2010, May 1, 2011 and July 5, 2012, HTS made revisions to its SSMP for the Facility. Submit copies of these revisions (Nos. 8, 9, 10, and 11) and all other revisions to the SSMP made during the time period from June 12, 2009 to the present.
10. Submit copies of all correspondence between HTS and Ohio EPA regarding SSMP Revisions 8, 9, 10, and 11 and all subsequent SSMP revisions for which HTS submitted information in response to item number 9 above.
11. Identify all periods of startup and shutdown of the Facility between July 12, 2013 to the present.
12. Submit a copy of the latest version of the Operation and Maintenance Plan for the Facility prepared in accordance with 40 C.F.R. § 63.1206(c)(7).
13. Regarding the Facility's ash (or slag) removal system, answer the following questions:
- (a) Describe the ash/slag removal system and include diagrams and photographs of the system;
  - (b) Describe the procedures used for the removal of ash/slag from the interior surfaces of the combustion chambers, the handling of the ash/slag and the disposal of it;

- (c) Specify the amount of ash that the ash quench system is designed to safely handle, specify the amount of ash that dropped into the quench system on July 13, and explain the reason that the amount of ash that fell from the interior walls of the combustion chambers on July 13, 2013 was greater than the amount the ash system could safely handle. Submit and explain all calculations and submit copies of all supporting documentation;
  - (d) In the weeks prior to the Incident, explain whether HTS personnel or HTS contractors made any observations regarding the amounts of ash being collected in the quench tank or otherwise being removed from the combustion chambers. Submit copies of all relevant documents;
  - (e) Have there been previous incidents when ash or slag fell into the quench bath, resulting in the Facility exceeding one or more of an applicable OPL? Explain each such incident. Provide copies of all documents referencing the investigation of the cause of the exceedance(s); the corrective actions taken to correct the exceedance(s); and the evaluation of approaches to minimize the frequency, duration, and severity of the exceedance(s), and submit all supporting documentation; and
  - (f) Submit copies of all manufacturers' instructions and facility instructions related to the removal, or the handling of ash/slag from the combustion chambers at the Facility.
14. Regarding HTS' maintenance plans for the hazardous waste incinerator:
- (a) Explain how HTS determines when the Facility should shutdown for planned maintenance, and what particular maintenance should be done; and
  - (b) Provide copies of all documents that describe the Facility's internal procedures and decision making process relative to planned maintenance on the hazardous waste incinerator.
15. Provide copies of the results and reports of the following types of testing and evaluations conducted on and after July 13, 2013 (whether or not such testing or evaluations were submitted to any regulatory agency):
- (a) Sampling and analysis (for metals or other contaminants) of the ash deposited at the Facility and throughout the community. Include in HTS' submittal any and all assessments of the amount of ash deposited (explain calculations and assumptions). Include any and all photographs of the ash deposits resulting from the Incident, whether at the Facility, or any other location;
  - (b) Ambient air quality test results in or around the Facility for the period from July 13, 2013 to the date of the information request; and
  - (c) Stack testing of emissions from the hazardous waste incinerator.

16. In a July 16, 2013 electronic mail message to the Ohio EPA, Vince Waggle of HTS states: "...visible emissions were observed from the facility at the time of the event and for several minutes following." Explain how long visible emissions were observed from the Facility, who observed them and the range of opacity of the emissions. Submit copies of any and all visible emission observations taken on July 13, 2013.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

### **Determining Whether the Information is Entitled to Confidential Treatment**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by **page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Heritage-WTI, Inc.  
(d/b/a Heritage Thermal Services)  
1250 Saint George Street  
East Liverpool, Ohio 43920-3400

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Ed Fasko, Supervisor  
Division of Air Pollution Control  
Northeast District Office  
Ohio Environmental Protection Agency  
2110 East Aurora Road  
Twinsburg, Ohio 44087

on the 2nd day of August 2013

  
Administrative Program Assistant

Certified Mail Receipt Number: 7009 11680 0000 7669 5381